IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

APPEAL NO.258 OF 1991
IN
WRIT PETITION NO.35 OF 1983

The Board of Trustees of the Port
of Bombay. ...Appellants.
Vs.
Jayantilal Dharamsey. ...Respondent.
....
Mr. U.J. Makhija i/b. Mulla & Mulla & C.B. & C. for the Appellants.
Mr.Asher i/b. S. S. Phadke for the Applicant.
Mr.Asher i/b. Natasha Sharangdhar for the Applicant.
.....
CORAM : DR.D.Y.CHANDRACHUD, J.

February 16, 2006.

P.C.

In pursuance of the judgment of the Supreme Court in **Jamshed Hormusji Wadia vs. Board of Trustees, Port of Mumbai** (Civil Appeal No.5559 of 2001), the Committee of Administrative Judges of this Court has on 15th September 2005 assigned to me the function of acting in terms of the directions issued by the Supreme Court for the resolution of any difficulties that may arise in implementing the procedural directions issued in the judgment. In pursuance of the judgment of the Supreme Court, Mr. M. V. Deshmukh was appointed as Sole Adjudicator by a notification of the High Court. A praecipe has now been moved before the Court

by Mulla & Mulla appearing on behalf of the Board of Trustees of the Port of Bombay in which inter alia an extension of time for completing the adjudication proceedings before the Sole Adjudicator has been prayed. The relevant part of the praecipe is thus :

> "Pursuant to the directions given by the Supreme Court, our clients had received 183 representations filed by various tenants/lessee within six weeks as stipulated in the said Supreme Court Judgment. The registry had forwarded those 183 representations to the Sole Adjudicator and the adjudicator has commenced his proceedings with effect from 7th December 2005 and pursuant to the directions contained in paragraph 40 (viii) the Adjudicator shall have to complete the adjudication proceedings within a period of 4 months.
>
> In this connection, it is submitted that though 183 representations have been received by our clients, total number of plots involved therein are around 350 and different contentions have been taken concerning different plots in single representations which are required to be dealt with extensively. It is therefore necessary for our clients to file reply in each case before hearing takes place before the Sole Adjudicator. In view of this fact and pursuant to our submissions, the Sole Adjudicator has so far given directions to us to file reply in 140 cases.
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> Besides the above, the Applicants have so far made about 65 Applications for amendment to the original Representations out of which the Sole Adjudicator has allowed about 50 amendments applications. It is also indicated that 10 more applications for amendments are likely to be filed. It is further submitted that the Hon'ble Supreme Court by an order dated 9th January 2006 (copy enclosed) has

> directed that the applications filed upto and including 24th February 2004 would be treated to be filed within 6 weeks period. Pursuant to the aforesaid directions, it is likely that 30 more representations will have to be entertained by Sole Adjudicator.
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> The Sole Adjudicator has so far allowed 4 applicants to withdraw their Representations and dismissed 14 Representations exparte. So far our clients have been able to file 15 replies to the main Applications and further 15 replies are ready, as of date, which leaves 110 replies to be filed yet out of only 140 cases in which directions are given."

In these circumstances, an extension has been sought. Before passing any procedural direction for an extension of time , it will be appropriate that the Sole Adjudicator is requested to place a brief report before this Court indicating therein the progress which has been made thus far and the time that he anticipates or reasonably requires for the expeditious disposal of the proceedings having regard to the directions contained in the judgment of the Supreme Court.

All the applicants who had appeared before the Court today have supported the application moved by the Port Trust for an extension of time.

S.O. one week.

(Dr.D. Y. Chandrachud, J.)